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Co-counsel for Angus, A. MacNaughton, Edgar A.
Rainin, Thomas W. Hook, and Yoav Rubinstein

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re:

YELLOWSTONE MOUNTAIN CLUB,
LLC, et al

Debtors.

No. 08-61570-11
Jointly Administered

**MOTION TO ALLOW CLAIMS
FOR VOTING PURPOSES
(CLASS 4) AND OBJECTION
TO PLAN**

COMES NOW Angus A. MacNaughton, Edgar A. Rainin, Thomas W. Hook, and Yoav
Rubinstein, by and through their counsel, Ford Elsaesser, of the firm Elsaesser Jarzabek Anderson
Marks & Elliott, Chtd., and moves for temporary allowance of claims for voting purposes with
regard to the following claims:

Angus A. MacNaughton	\$1,750,000.00 - Claim #427-2
Edgar A. Rainin	\$1,750,000.00 – Claim #690-1
Thomas W. Hook	\$400,000.00 - Claim #691-1
Yoav Rubinstein	\$1,750,000.00 - Claim #697

MOTION TO ALLOW CLAIMS FOR VOTING PURPOSES
(CLASS 4) AND OBJECTION TO PLAN - 1

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1 All of the claims listed above do not arise from membership in the Yellowstone Mountain
2 Club, LLC, but rather, arise from claims against the Debtors' related to the deposit and purchase of
3 memberships in Yellowstone Club World.

4 The above claimants were not mailed ballots, but have submitted ballots to the balloting
5 agent. However, such ballots should have been in Class 4, which ballots balloting agent would not
6 provide.

7
8 These claims do not related to any rejection of memberships, as those types of claims are
9 described in the Court's recent memorandum decisions concerning subordination and membership
10 claims generally. If allowed, these claims are, rather, claims against the Debtors for damages
11 resulting from the sale to claimants of memberships in Yellowstone Club World, LLC, and if
12 allowed, would be simple, general, unsecured claims against the Debtors.

13
14 WHEREFORE, for the purposes of voting only, the above-named creditors move that their
15 claims be allowed for voting purposes.

16 Further, with regard to the treatment of unsecured creditors generally, the above-creditors
17 join in the objections to confirmation of the Second Amended Joint Plan of Reorganization, dated
18 April 3, 2009 (Docket #851), which objections were previously filed by Yellowstone Club World,
19 LLC, (Docket #852), and Greg LeMond, Jorge Jasson, David Morris, Sacia Morris and Sacia
20 Enterprises, Inc. (Docket #857), with regard to the issues of classification and the preferential
21 treatment of the "trade creditor fund."

22
23 Respectfully submitted this 14th day of May, 2009.

24 /s/

25 Ford Elsaesser
26

CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 14, 2009, I served a true and correct copy of the foregoing on the counsel listed below via regular first class mail, postage prepaid:

James A. Patten
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Office of the United States Trustee
Liberty Center, Suite 204
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/s/
LaPointe, PACE Registered Paralegal